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6
7 **UNITED STATES DISTRICT COURT**
DISTRICT OF NEVADA

8 Robert Lancaster, individually,

Case No. 2:20-cv-00794-GMN-EJY

9 Plaintiff,

10 vs.

11 SAMSUNG ELECTRONICS AMERICA,
INC.; SAMSUNG ELECTRONICS, CO.
12 LTD. DOES 1-20 and ROE BUSINESS
ENTITIES 1-20, inclusive,

13 Defendants.
14

15 **STIPULATION AND ORDER TO EXTEND**
SCHEDULING ORDER DEADLINES [ECF NOS. 13, 19]
16 **(Third Request to Extend Pre-Trial Deadlines)**

17 Pursuant to Local Rules IA 6-1, IA 6-2, 7-1, 26-1, and 26-3, plaintiff Robert Lancaster and
18 defendant Samsung Electronics America, Inc. hereby stipulate and agree to extend discovery to
19 December 31, 2021. This is the third stipulation to extend this deadline. (*See* ECF Nos. 13, 16, 19.)
20 The extension is necessary to accommodate the additional time Defendant needed to respond to
21 Plaintiff's discovery requests and to explore issues raised in the parties' rebuttal expert reports,
22 served by Plaintiff on July 29, 2021 and by Defendant on August 2, 2021.

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A. Discovery Completed to Date

The parties held the Rule 26(f) conference on March 4, 2021 and submitted the stipulated discovery plan and proposed scheduling order on March 12, 2021. This Court approved the discovery plan on March 12, 2021. Since then, the parties completed the following discovery:

1. Plaintiff has served his initial disclosures, including supplements.
2. Defendant has served its initial disclosures, including supplement.
3. Defendant has served its first set of interrogatories and requests for production to Plaintiff.
4. Plaintiff has served his responses to Defendant's first set of interrogatories and requests for production.
5. Defendant has completed an inspection of the phone and battery at issue in this case.
6. Defendant has taken Plaintiff's deposition.
7. Plaintiff has served his Rule 26(a)(2) Initial Disclosures.
8. Defendant has served its Rule 26(a)(2) Initial Disclosures.
9. Plaintiff has served his Rule 26(a)(2) Rebuttal Disclosures.
10. Plaintiff has served his Rule 26(a)(2) Rebuttal Disclosures.
11. Plaintiff has served his first set of requests for admission, interrogatories, and request for production to Defendant.
12. Defendant's responses to Plaintiff's first set of requests for admission, interrogatories, and requests for production to Defendant.

B. DISCOVERY THAT REMAINS TO BE COMPLETED

The parties expect that they may need to conduct some or all of the following discovery if they are unable to reach a mutually agreeable settlement:

1. A second inspection of the battery at issue in this case.

- 1 2. Deposition of Defendant's Rule 30(b)(6) witness and experts.
- 2 3. Any additional records to be obtained during discovery.

3 **C. REASONS WHY THE REMAINING DISCOVERY WAS NOT COMPLETED**
 4 **WITHIN THE TIME LIMITS**

5 The requested extension is necessary to accommodate the parties' need for extra time to
 6 complete discovery. Defendant had needed additional time to respond to discovery requests. More
 7 importantly, the parties' rebuttal expert reports raised additional issues that needed to be explored in
 8 discovery. For example, there is a question about the integrity of the battery at issue in this case, and
 9 a second inspection will be helpful in answering that question. Lastly, the requested extension will
 10 assist with the parties' scheduling of expert deposition and Defendant's Fed. R. Civ. P. 30(b)(6)
 11 deposition, which will likely take place after the inspection. The current August 18, 2021 discovery
 12 cut-off date does not provide sufficient time for the completion of discovery. Accounting for the
 13 difficulties presented by the COVID-19 delta variant, the parties believe that they can complete
 14 discovery by December 31, 2021. This shows good cause for the requested extension of the pre-trial
 15 deadlines.

16 **D. PROPOSED DISCOVERY SCHEDULE**

17 Pursuant to LR 26-4, the parties propose to extend the pre-trial deadlines as follows:

	Original Deadline	Proposed Extended Deadline
Discovery Cut-Off Date	August 18, 2021	December 31, 2021
Amending Pleadings or Adding Parties	May 20, 2021	UNCHANGED
Rule 26(a)(2) Initial Disclosures	June 19, 2021	UNCHANGED
Rule 26(a)(2) Rebuttal Disclosures	August 2, 2021	UNCHANGED
Dispositive Motions	September 17, 2021	January 28, 2022
Pre-Trial Order	September 17, 2021 or 30 days after the decision on any dispositive motions (whichever is later)	January 28, 2022 or 30 days after the decision on any dispositive motions (whichever is later)

1 Dated: August 18, 2021

2 HICKS & BRAISER, PLLC

3
4 /s/Alison Braiser

Alison Braiser

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6 Las Vegas, NV 89146

7 *Attorneys for Plaintiff*

Dated: August 18, 2021

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8 /s/Karen L. Bashor

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9
10 IT IS SO ORDERED.

11 
12 UNITED STATES MAGISTRATE JUDGE

13 DATED: August 19, 2021